

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION

FILED-18  
07 DEC 28 PM 2:41  
CIRCUIT COURT OF COOK  
COUNTY, ILLINOIS  
LAW DIVISION  
DEBORAH EPPICH  
CLERK

HOLLY WISER-CONNOLLY, as  
Independent Executor of the Estate of  
GLEN R. WISER, Deceased; and  
HOLLY WISER-CONNOLLY, as  
Independent Executor of the Estate of  
ELEANOR M. WISER, Deceased,

Plaintiff,

vs.

No.:

OSMAN EFENDIC, Individually, and  
d/b/a ELAINES EXPRESS INC.,

Defendants.

2007L014421  
CALENDAR/ROOM 7  
TIME 00:00  
PI Motor Vehicle

COMPLAINT AT LAW

COUNT I  
WRONGFUL DEATH - GLEN R. WISER, DECEASED

NOW COMES the Plaintiff, HOLLY WISER-CONNOLLY, as Independent Executor of the Estate of GLEN R. WISER, Deceased, by and through her attorney, EDMUND J. SCANLAN, and complaining of the Defendants, OSMAN EFENDIC, Individually, and d/b/a ELAINES EXPRESS INC., states as follows:

1. That on the 7<sup>th</sup> day of March, 2007, the defendant, OSMAN EFENDIC, Individually, and d/b/a ELAINES EXPRESS INC., was backing up a semi-tractor trailer in a southerly direction along and upon South Ashland Avenue, at or near its intersection with Goodenow Road, in the Township of Crete, County of Will, State of Illinois.



2. That on the 7<sup>th</sup> day of March, 2007, the plaintiff's decedent, GLEN R. WISER, was operating his motor vehicle in an easterly direction along and upon Goodenow Road, at or near its intersection with South Ashland Avenue, in the Township of Crete, County of Will, State of Illinois.

3. That at that time and place, the defendants, OSMAN EFENDIC, Individually, and d/b/a ELAINES EXPRESS INC., had a duty to exercise due care and caution for the safety of the plaintiff's decedent, GLEN R. WISER.

4. That notwithstanding the aforesaid duty, the defendants, OSMAN EFENDIC, Individually, and d/b/a ELAINES EXPRESS INC., were guilty of one or more of the following negligent acts and/or omissions:

- (a) backed up their semi-tractor trailer in a situation where such movement could not be made without interfering with the right-of-way of the plaintiff's decedent's eastbound vehicle, in violation of 625 ILCS 5/11-1402(a);
- (b) failed to properly chart the route that defendants' semi-tractor trailer can operate upon, in violation of Federal Motor Carrier Regulations;
- (c) failed to stop their vehicle to avoid colliding with the plaintiff's decedent's vehicle while backing up on South Ashland Avenue at its intersection with Goodenow Road, in violation of 625 ILCS 5/11-601(a);
- (d) failed to yield the right-of-way to the plaintiff's decedent's eastbound vehicle on Goodenow Road, in violation of 625 ILCS 5/11-904(b);
- (e) failed to decrease the speed of his vehicle in reverse to avoid colliding with plaintiff's decedent's vehicle, in violation of 625 ILCS 5/11-601(a);

- (1) failed to yield the right-of-way to the plaintiff's decedent's eastbound vehicle on Goodenow Road, in violation of 625 ILCS 5/11-1204(b).

5. That as a direct and proximate result of one or more of the aforesaid careless and negligent acts and/or omissions of the defendants, OSMAN EFENDIC, Individually, and d/b/a ELAINES EXPRESS INC., the defendants' semi-tractor trailer came into contact with the motor vehicle being operated by plaintiff's decedent, GLEN R. WISER, thus causing him injuries that led to his death on March 7, 2007.

6. That at the aforesaid time, there was in full force and effect in the State of Illinois a certain statute commonly known as the Wrongful Death Act, 740 ILCS 180/1 et. seq., which provides in pertinent part as follows:

Whenever the death of a person shall be caused by wrongful act, neglect or default, and the act, neglect or default is such as would, if death had not ensued, have entitled the party injured to maintain an action and recover damages in respect thereof, then and in every such case, the person who or company or corporation which would have been liable if death had not ensued, shall be liable to an action for damages, notwithstanding the death of the person injured, and circumstances as amount in law to felony. (Section 1)

Every such action shall be brought by and in the names of the personal representatives of such deceased person and, except as otherwise hereinafter provided, the amount recovered in every such action shall be for the exclusive benefit of the surviving spouse and next-of-kin of such deceased person, and in every such action, the jury may give such damages as they shall deem a fair and just compensation with reference to the pecuniary injuries resulting from such death, to the surviving spouse and next-of-kin of such deceased person. (Section 2)

and this action is brought pursuant to said statute.

7. That the plaintiff, HOLLY WISER-CONNOLLY, was appointed as the Independent Executor of the Estate of GLEN WISER, Deceased, by Order of the Circuit Court of the Second Judicial Circuit, Wayne County, Illinois (see Exhibit "A" attached hereto) on June 5, 2007, and brings this action pursuant to 740 ILCS 180/2.1 for the benefit of the surviving next-of-kin and the deceased, GLEN R. WISER, as well as for medical, funeral and burial expenses.

WHEREFORE, the Plaintiff, HOLLY WISER-CONNOLLY, as Independent Executor of the Estate of ELEANOR M. WISER, Deceased, demands judgment against the Defendants, OSMAN EFENDIC, Individually, and d/b/a ELAINES EXPRESS INC., in a sum in excess of FIFTY THOUSAND DOLLARS (\$50,000.00), plus the costs of this lawsuit.

**COUNT II**  
**WRONGFUL DEATH - ELEANOR M. WISER, DECEASED**

NOW COMES the Plaintiff, HOLLY WISER-CONNOLLY, as Independent Executor of the Estate of ELEANOR M. WISER, Deceased, by and through her attorney, EDMUND J. SCANLAN, and complaining of the Defendants, OSMAN EFENDIC, Individually, and d/b/a ELAINES EXPRESS INC., states as follows:

1. That on the 7<sup>th</sup> day of March, 2007, the defendant, OSMAN EFENDIC, Individually, and d/b/a ELAINES EXPRESS INC., was backing up a semi-tractor trailer in a southerly direction along and upon South Ashland Avenue, at or near its intersection with Goodenow Road, in the Township of Crete, County of Will, State of Illinois:

2. That on the 7<sup>th</sup> day of March, 2007, the plaintiff's decedent, ELEANOR M. WISER, was a passenger in the motor vehicle being operated by her husband, GLEN

R. WISER, Decedent, which he was operating in an easterly direction along and upon Goodenow Road, at or near its intersection with South Ashland Avenue, in the Township of Crete, County of Will, State of Illinois.

3. That at that time and place, the defendants, OSMAN EFENDIC, Individually, and d/b/a ELAINES EXPRESS INC., had a duty to exercise due care and caution for the safety of the plaintiff's decedent, ELEANOR M. WISER.

4. That notwithstanding the aforesaid duty, the defendants, OSMAN EFENDIC, Individually, and d/b/a ELAINES EXPRESS INC., were guilty of one or more of the following negligent acts and/or omissions:

- (a) backed up their semi-tractor trailer in a situation where such movement could not be made without interfering with the right-of-way of the plaintiff's decedent's eastbound vehicle, in violation of 625 ILCS 5/11-1402(a);
- (b) failed to properly chart the route that defendants' semi-tractor trailer can operate upon, in violation of Federal Motor Carrier Regulations;
- (c) failed to stop their vehicle to avoid colliding with the plaintiff's decedent's vehicle while backing up on South Ashland Avenue at its intersection with Goodenow Road, in violation of 625 ILCS 5/11-601(a);
- (d) failed to yield the right-of-way to the plaintiff's decedent's eastbound vehicle on Goodenow Road, in violation of 625 ILCS 5/11-904(b);
- (e) failed to decrease the speed of his vehicle in reverse to avoid colliding with plaintiff's decedent's vehicle, in violation of 625 ILCS 5/11-601(a);
- (f) failed to yield the right-of-way to the plaintiff's decedent's eastbound vehicle on Goodenow Road, in violation of 625 ILCS 5/11-1204(b).

5. That as a direct and proximate result of one or more of the aforesaid careless and negligent acts and/or omissions of the defendants, OSMAN EFENDIC, Individually, and d/b/a ELAINES EXPRESS INC., the defendants' semi-tractor trailer came into contact with the motor vehicle being operated by plaintiff's decedent, GLEN R. WISER, in which plaintiff's decedent, ELEANOR M. WISER, was a passenger, thus causing her injuries that led to her death on March 7, 2007.

6. That at the aforesaid time, there was in full force and effect in the State of Illinois a certain statute commonly known as the Wrongful Death Act, 740 ILCS 180/1 et. seq., which provides in pertinent part as follows:

Whenever the death of a person shall be caused by wrongful act, neglect or default, and the act, neglect or default is such as would, if death had not ensued, have entitled the party injured to maintain an action and recover damages in respect thereof, then and in every such case, the person who or company or corporation which would have been liable if death had not ensued, shall be liable to an action for damages, notwithstanding the death of the person injured, and circumstances as amount in law to felony. (Section 1)

Every such action shall be brought by and in the names of the personal representatives of such deceased person and, except as otherwise hereinafter provided, the amount recovered in every such action shall be for the exclusive benefit of the surviving spouse and next-of-kin of such deceased person, and in every such action, the jury may give such damages as they shall deem a fair and just compensation with reference to the pecuniary injuries resulting from such death, to the surviving spouse and next-of-kin of such deceased person. (Section 2)

and this action is brought pursuant to said statute.

7. That the plaintiff, HOLLY WISER-CONNOLLY, was appointed as the Independent Executor of the Estate of ELEANOR WISER, Deceased, by Order of the

Circuit Court of the Second Judicial Circuit, Wayne County, Illinois (see Exhibit "B" attached hereto) on June 5, 2007, and brings this action pursuant to 740 ILCS 180/2.1 for the benefit of the surviving next-of-kin and the deceased, ELEANOR M WISER, as well as for medical, funeral and burial expenses.

WHEREFORE, the Plaintiff, HOLLY WISER-CONNOLLY, as Independent Executor of the Estate of ELEANOR WISER, Deceased, demands judgment against the Defendants, OSMAN EFENDIC, Individually, and d/b/a ELAINES EXPRESS INC., in a sum in excess of FIFTY THOUSAND DOLLARS (\$50,000.00), plus the costs of this lawsuit.



EDMUND J. SCANLAN

EDMUND J. SCANLAN  
Attorney for Plaintiffs  
8 South Michigan Avenue, Suite 2700  
Chicago, IL 60603  
(312) 422-0343  
(312) 422-0358 (facsimile)  
Firm ID #25586

STATE OF ILLINOIS     )  
                                  ) SS.  
COUNTY OF COOK        )

AFFIDAVIT

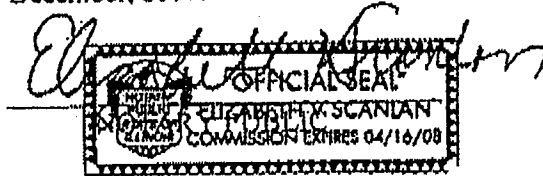
EDMUND J. SCANLAN hereby states that in his opinion the damages in the foregoing lawsuit exceed the sum of \$50,000.00.

  
EDMUND J. SCANLAN

SUBSCRIBED AND SWORN TO

before me this 27<sup>th</sup> day of

December, 2007.



EDMUND J. SCANLAN  
Attorney for Plaintiffs  
8 South Michigan Avenue, Suite 2700  
Chicago, IL 60603  
(312) 422-0343  
(312) 422-0358 (facsimile)  
Attorney ID #25586



STATE OF ILLINOIS  
IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT  
WAYNE COUNTY - IN PROBATE

IN THE MATTER OF THE  
ESTATE OF GLEN WISER,  
DECEASED.

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)  
)  
)  
)

NO. 2007-P-19

**FILED**  
JUN 05 2007

*[Signature]*  
CIRCUIT CLERK, WAYNE CO. IL

**LETTERS OF OFFICE - DECEDENT'S ESTATE**

HOLLY WISER-CONNOLLY has been appointed Independent Executor of the Estate of  
GLEN WISER, who died on March 7, 2007, and is authorized to take possession of and collect  
the estate of the decedent, and to do all acts required of her by law.

Witness this 5 day of June, 2007.

*[Signature]*  
Clerk of the Court



STATE OF ILLINOIS  
IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT  
WAYNE COUNTY - IN PROBATE

IN THE MATTER OF THE )

ESTATE OF ELEANOR WISER, )

DECEASED. )

NO. 2007-P-20

**FILED**  
JUN 05 2007  
Sharon L. Gualdoni  
CLERK OF COURT, WAYNE CO. IL

**LETTERS OF OFFICE - DECEDENT'S ESTATE**

HOLLY WISER-CONNOLLY has been appointed Independent Executor of the Estate of ELEANOR WISER, who died on March 7, 2007, and is authorized to take possession of and collect the estate of the decedent, and to do all acts required of her by law.

Witness this 5 day of June, 2007.

Sharon L. Gualdoni  
Clerk of the Court

EXHIBIT  
B

JOEY RAGAN  
CLERK

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION

HOLLY WISER-CONNOLLY, as  
Independent Executor of the Estate of  
GLEN R. WISER, Deceased; and  
HOLLY WISER-CONNOLLY, as  
Independent Executor of the Estate of  
ELEANOR M. WISER, Deceased,

Plaintiff,

vs.

OSMAN EFENDIC, Individually, and  
d/b/a ELAINES EXPRESS INC.,

Defendants.

No.:

2007L014421  
CALENDAR/ROOM 1  
TIME 00:00  
PI Motor Vehicle

07 DEC 28 PM 2:40  
CIRCUIT COURT OF COOK  
COUNTY, ILLINOIS  
LAW DIVISION  
CLERK

JURY DEMAND

The undersigned demands a jury trial.

  
EDMUND J. SCANLAN

EDMUND J. SCANLAN  
Attorney for Plaintiffs  
8 South Michigan Avenue, Suite 2700  
Chicago, IL 60603  
(312) 422-0343  
(312) 422-0358 (facsimile)  
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